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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/686,782	10/17/2003	Harald W. Sontheimer	051530-5004-02	051530-5004-02 7705	
9629	7590 11/22/2005		EXAMINER		
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW			CHEN, SHIN LIN		
	ON, DC 20004		ART UNIT	PAPER NUMBER	
	,		1632		
			DATE MAILED: 11/22/2009	DATE MAILED: 11/22/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Tokes   Saminer   Shin-Lin Chem   Shi		Application No.	Applicant(s)				
Shin-Lin Chen   Shin-Lin Chen	Office Action Commence	10/686,782	SONTHEIMER ET AL.				
## The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  **Exercision of time may be a validate the provisions of 2 FCR-118(b), in no event, however, may a reply be timely filled in the provision of 2 FCR-118(b), in no event, however, may a reply be timely filled in communication.  **Fallut to reply is specified above, the maintaine statistics period will apply and will expire 3 KIQ MONTHS from the mailing date of this communication.  **Fallut to reply within the sci or exinded period for reply its patistic, usage and will apply and will expire 3 KIQ MONTHS from the mailing date of this communication, reven if timely filled, may reduce any searce parent mentions.  **Fallut to reply within the sci or exinded period for reply list yatable, usage may be applicated to 1 KIQ to 1.5, 133).  **Any rely veceived by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any searce parent into the speciment.  **Status**  **IND period for reply is application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  **Disposition of Claims**  4) □ Claim(s) 15 are pending in the application.  4a) Of the above claim(s) 15 are withdrawn from consideration.  5b) □ Claim(s) 15 are allowed.  5c) □ Claim(s)	Oπice Action Summary	Examiner	Art Unit				
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1) Responsive to communication(s) filed on	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul>						
2a)  This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s)	Status						
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Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  4) Interview Summary (PTO-413) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)	· , , , ,						
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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-6, drawn to a method of treating an individual having a neuroectodermal tumor by using a neuroectodermal tumor specific ligand fused to a cytotoxic moiety and a pharmaceutically acceptable carrier, classified in class 514, subclass
 2.

II. Claims 7-14, drawn to a method of differentiating neuroectodermal tumor-derived neoplastic tumor tissue from non-neoplastic tissue by contacting a tissue of interest with labeled chlorotoxin and measuring the binding of the labeled chlorotoxin, classified in class 435, subclass 7.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are distinct from each other because they are drawn to materially different methods that differ in objectives, method steps, reagents and dosages used, schedules used, responsive variables, and criteria of success. They have different classifications and require separate search. Thus, inventions I and II are not obvious variants and are patentably distinct from each other.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Lin Chen whose telephone number is (571) 272-0726. The examiner can normally be reached on Monday to Friday from 9:30 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The fax phone number for this group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

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Shin-Lin Chen, Ph.D.

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